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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,189	11/28/2001	Sidney Edward Fisher	60130-1291	2239

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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT PAPER NUMBER

3683

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,189

Applicant(s)

FISHER, SIDNEY EDWARD

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,10,13,18 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,11,12,14,15,17,19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The Amendment filed November 18, 2003 has been received and considered.

Drawings

2. The drawing sheet including changes to Figure 8 was received on November 18, 2003. These drawings are approved by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 8, 11, 12, 14, 15, 17, 19, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,649,726 to Rogers, Jr. et al.

Regarding Claim 1, Rogers, Jr. et al disclose an actuator 307 (see Figure 8) having all the features of the instant invention including: a motor 310, a cam 326 rotatable about a cam axis and drivable by the motor (see column 9 lines 28-42), a cam follower 336, an output member 372 connected to the cam follower 336 (see Figure 8), wherein powered rotation of the cam 326 causes the cam follower 336 to be radially displaced relative to the cam axis to provide differing output positions of the output member 372 (see column 9 lines 28-42, wherein the differing output positions of output

member 372 are readable as the positions the member 372 is put through to move the member into a locked position), wherein the cam has a profile 364 that includes a radial stop 352 which in conjunction with the cam follower 336, act as a detent so that the cam follower 336 is capable of controlling a position of the cam (see column 9 lines 50-53), and wherein the motor is powered in a single direction to provide for the differing output positions of the output member 372 (i.e., motor 310 is readable as being powered in a single direction when the gear wheel 318 is moved by the motor in a counterclockwise direction as discussed in column 9 lines 28-31 to provide for the differing output positions defined above as when the member 372 is moved into the locked position).

Regarding Claim 2, Rogers, Jr. et al further disclose that the radial stop 352 and the cam follower 336 act as a detent when the motor is not being powered (see column 9 line 58-column 10 line 6).

Regarding Claim 3, see column 9 lines 43-49.

Regarding Claim 4, see column 9 lines 43-53.

Regarding Claim 5, Rogers, Jr. et al disclose that the cam 326 has a first radial stop 352 to stop the cam follower 336 at a first radius and a second radial stop (readable as a midpoint along surface 366 shown in Figure 8) to stop the cam follower 336 at a second radius, wherein the first and second radii are different (see Figure 8, wherein the radial distance from point 362 to point 352 is clearly a different radius than that of the radius between point 362 and the midpoint of surface 366).

Regarding Claim 7, see Figure 8 where multiple points 352 (readable as first stops) are shown as wells as multiple midpoints of surfaces 366 (readable as second stops) are also present.

Regarding Claim 8, Rogers, Jr. et al disclose that the cam follower 336 is biased radially outwardly relative to the cam axis via pivot pin 338.

Regarding Claim 11, see Figure 8 and the profiles of surfaces 352 and 366 as well as Claim 5.

Regarding Claim 12, see Figure 8 and the cam profile portion beginning at point 340 curving up inwardly towards point 350 and then up again towards point 352.

Regarding Claim 14, see Figure 8 and the surface 366 readable as being at least substantially radially orientated.

Regarding Claim 15, any one of the remaining stop surfaces 352 can be readable as a return stop in that they all would prevent the backward rotation of the cam 326 past those surfaces.

Regarding Claim 17, see column 9 lines 29-38 and lines 43-49.

Regarding Claim 19, see column 1 lines 4-6.

Regarding Claim 21, see Figure 8.

Regarding Claim 23, see gear and pinion arrangement 312/318.

Regarding Claim 24, see Claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, Jr. et al.

Regarding Claim 22, Rogers, Jr. et al disclose most all the features of the instant invention as applied above, except for the motor being connected with the cam via a centrifugal clutch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the motor of Rogers, Jr. et al to be connected with the cam via a centrifugal clutch merely as an alternate means of manipulating the cam's movement. A clutch would provide an adequate means of initiating movement of the cam to thus engage with its corresponding cam follower. As long as this type of movement is initiated, the means used to perform this function are arbitrary.

Response to Arguments

7. Applicant's arguments filed November 18, 2003 have been fully considered but they are not persuasive.

Applicant's main point of contention is that the Rogers, Jr et al '726 reference does not disclose a motor powered in a SINGLE direction to obtain the differing output positions of the output member 310. The examiner respectfully disagrees.

As now more clearly outlined in the rejection above, output member 372 of Rogers, Jr et al is connected to cam follower 336, wherein rotation of cam 326 causes the cam follower 336 to be displaced relative to the cam axis and thus provide differing output positions of the output member. When those "differing output positions of the output member" are defined to be those positions in which member 372 is moved in order to move the member into a locked position, the motor 310 is readable as being powered in only a single direction to provide for these differing output positions. In other words, since applicant has not specifically claimed what the "differing output positions of the output member" comprise, the positions in which member 372 moves to lock the member meet the limitations of the claim.

While the examiner agrees that the motor 310 of Rogers, Jr et al., is powered in one direction to move the output member into the locked position (as discussed above) and in another direction to move the output member into the unlocked position, applicant's claiming of the "differing output positions of the output member" does not make this clear delineation. Therefore, when taken in this context, the "differing output positions of the output member" of Rogers, Jr. et al can thus be defined as those

positions which place the member 372 in the locked position.

It is for these reasons that the rejection has been maintained.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

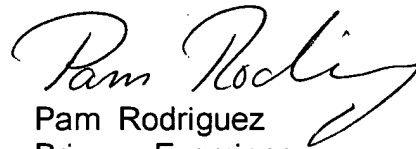
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Art Unit: 3683

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Pam Rodriguez
Primary Examiner
Art Unit 3683

1/13/04

PR
01/13/04